

PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) RELGART.001A
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First Named Inventor: Ross Elgart

Art Unit: 2175

Application Number: 09/927,851

Examiner Jacques Veillard

Filed: 8/10/2001

Title: Database System And Method For Organizing And Sharing Information

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
 Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or Issue fee.
- (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
 See 37 CFR 1.27.

Other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response to 7/15/03 Office Action (identify the type of reply):

has been filed previously on 11/17/03 and 1/27/04.

is enclosed herewith.

B. The issue fee of \$ _____

has been filed previously on _____

is enclosed herewith.

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3/4/2004
Date

Peter M. Midgley
Signature

208-433-9121

Telephone Number

Peter M. Midgley

Typed or printed name

44,239

Registration Number, if applicable

P.O. Box 170440

Address

Boise, ID 83717-0440

Address

Enclosure Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unavoidable delay

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

3/4/2004
Date

Peter M. Midgley
Signature

Peter M. Midgley

Typed or printed name of person signing certificate

PTO/EB/61 (11-03)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

3/4/2004

Date



Signature

44,239

Registration Number, if applicable

Peter M. Midgley

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)
 A response to the 7/15/03 Office Action was filed on 11/17/03, together with a check in the amount of \$110 to cover the fee for a one-month extension of time to file the response. On 1/27/04, the Examiner notified Petitioner, as counsel of record, that the \$110 check filed on 11/17/03 was not received by the Patent and Trademark Office. Prior to 1/27/04, Petitioner had received no notice and was unaware that the \$110 check had not been received by the PTO.

On 1/27/04, the Examiner informed Petitioner that the deficiency associated with the 11/17/03 response could be cured by promptly re-filing the response, together with the \$110 fee. Accordingly, a copy of the 11/17/03 response was promptly re-filed with the \$110 fee on 1/27/04, and was received by the PTO on 1/29/04.

On 2/3/04, the PTO mailed a document entitled "Informality Regarding Payment Of Fee" (Paper No. 10), which indicated that the 11/17/03 response had not been entered, and Applicant was given the remainder of the set period for response or one month from the date of the letter, whichever was longer, within which to remit the \$110 fee. Because the fee had been remitted on 1/27/04, which was within the allotted time period, Petitioner expected that 11/17/03 response would be entered.

On 3/1/04, Petitioner contacted the Examiner via telephone to confirm that the 11/17/03 response had been entered. During this conversation, Petitioner learned that, contrary to the Examiner's previous statements and the statements in Paper No. 10, the 11/17/03 response had not been entered. Petitioner also learned that, because the statutory period for response to the 7/15/03 Office Action had expired, the application had become abandoned.

In summary, prior to 1/27/04, Petitioner was unaware that the PTO had not received the \$110 check accompanying the 11/17/03 response. From 1/27/04 to 3/1/04, based on communications from the PTO, Petitioner believed that the appropriate steps were being taken to cure the deficiency associated with the 11/17/03 response. On 3/1/04, Petitioner learned for the first time, via telephone, that the application had become abandoned.

Based on the foregoing facts, Petitioner respectfully submits that the abandonment of the present application was unavoidable under 37 CFR 1.137(a). Nevertheless, if the Commissioner declines to grant this Petition pursuant to 37 CFR 1.137(a), Petitioner respectfully requests that, in the alternative, the Petition be considered under 37 CFR 1.137(b). To support such a petition, Petitioner hereby states that, based on the foregoing facts, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was, at a minimum, unintentional.

If necessary, please charge any additional fees (e.g., the additional fee necessary to consider this Petition under 37 CFR 1.137(b), if necessary) and credit any overpayments (e.g., the \$110 fee submitted on 1/27/04, if such submission was improper or unnecessary) to Deposit Account No. 503030.

Midgley Patent Services
P.O. Box 125040
Dose 10X8377-90446
202-429-1250

1033

PAY TO THE
ORDER OF: Commissioner Of Patents And Trademarks

One Hundred Dollars 100

Commissioner Of Patents And Trademarks
P.O. Box 125040
Arlington, VA 22213-90446

MEMO Serial No. 09/927,851

123271978138941478560 1033

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1033

3/3/2004

110.00

MPS Checking

Serial No. 09/927,851

110.00

Acknowledgment and receipt of:

1. Transmittal Letter w/Cert. of 1st Class Mail (1 pg)
2. Petition For Revival Of Application For Patent
Abandoned Unavoidably Under 37 CFR 1.137(a) (3 pp)
3. Return Receipt Postcard
4. Fee Transmittal Form (1 pg)
5. \$110.00 check

Atty Docket: RELGART.001A

Application No.: 09/927,851

Applicant: Ross Elgart

Title: DATABASE SYSTEM AND METHOD FOR
ORGANIZING AND SHARING INFORMATION

Date Mailed: 3/4/2004

First Class Mailing

Acknowledgment and receipt of:

1. Transmittal Letter w/Cert. of 1st Class Mail (1 pg)
2. Petition For Revival Of Application For Patent
Abandoned Unavoidably Under 37 CFR 1.137(a) (3 pp)
3. Return Receipt Postcard
4. Fee Transmittal Form (1 pg)
5. \$110.00 check

Atty Docket: RELGART.001A

Application No.: 09/927,851

Applicant: Ross Elgart

Title: DATABASE SYSTEM AND METHOD FOR
ORGANIZING AND SHARING INFORMATION

Date Mailed: 3/4/2004

First Class Mailing



MIDGLEY PATENT SERVICES

Peter M. Midgley
Attorney at Law*
Registered Patent Attorney

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Boise, ID 83702-5840

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Fax: (208) 433-8989

E-Mail: peter@midgleypatent.com

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Mr. Pinchus Laufer	Peter M. Midgley
COMPANY:	DATE:
U.S. Patent & Trademark Office	4/19/2004
FAX NUMBER:	TIME:
(703) 305-8266	1:55 PM
PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703) 306-4160	9
YOUR REFERENCE NUMBER:	SENDER'S REFERENCE NUMBER:
Serial No. 09/927,851	RELGART.001A

NOTES/COMMENTS:

X RECEIVED

APR 19 2004

Technology Center 2100

PTO/SB/21 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL
FORM

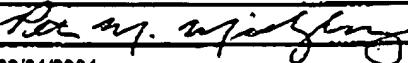
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/927,851	
	Filing Date	08/10/2001	
	First Named Inventor	Ross Elgart	
	Art Unit	2175	
	Examiner Name	Jacques Veillard	
Total Number of Pages in This Submission	5	Attorney Docket Number	RELGART.001A

ENCLOSURES (Check all that apply)

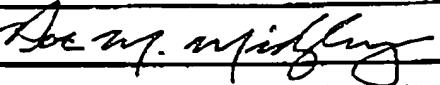
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Peter M. Midgley
Signature	
Date	03/04/2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Peter M. Midgley
Signature	
Date	03/04/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110)

Complete if Known

Application Number	09/927,851
Filing Date	08/10/2001
First Named Inventor	Ross Elgart
Examiner Name	Jacques Vellard
Art Unit	2175
Attorney Docket No.	RELGART.001A

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number	503030
Deposit Account Name	Midgley Patent Services

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	" Reissue independent claims over original patent
1205 18	2205 9	" Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 260	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	110
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1007 60	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(u))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			110

(Complete if applicable)

Name (print/type)	Peter M. Midgley	Registration No. (Attorney/Agent)	44,239	Telephone	208-433-9121
Signature	<i>Peter M. Midgley</i>			Date	03/04/2004

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